

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALBANY PATROONS, INC.,

Petitioner,

v.

1:21-MC-18
(LEK/DJS)

DEMPERIO SPORTS & ENTERTAINMENT, LLC,

Respondent.

DANIEL J. STEWART
United States Magistrate Judge

ORDER

This matter was commenced by Demperio Sports and Entertainment, LLC. Dkt. No. 1. The caption used in the filing appears to mirror that of an underlying proceeding in the United States Patent and Trademark Office. *Id.* at p. 12. Respondent seeks to quash a deposition subpoena issued by Albany Patroons, Inc. in that underlying proceeding. *Id.* at pp. 12-13. This action was commenced by Derek Demperio who seeks to appear *pro se* on behalf of Respondent. *See id.* at p. 5.


It appears that Demperio Sports is a limited liability company which “may appear in federal court only through a licensed attorney.” *Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007); *see also City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 132 (2d Cir. 2011) (“a limited liability company . . . cannot appear except through counsel.”). No counsel has appeared for Respondent. Respondent is advised that this matter may not proceed without the appearance of counsel. In order to provide Respondent time to obtain counsel, all proceedings

in this matter are stayed for 30 days. Should counsel for Respondent not enter an appearance within that time period the Clerk is directed to close the case.

The Clerk shall serve a copy of this Order on Respondent.

IT IS SO ORDERED.

Date: April 13, 2021
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge